

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

LEO L. DURAN,

Plaintiff,

v.

Case No. 1:09-cv-758 BB/DJS

LESLIE DONALDSON, et al.,

Defendants.

ORDER


THIS MATTER comes before the Court on Plaintiff's Motion for Leave to File Amended Complaint [Doc. 84], filed June 10, 2011. The motion is denied without prejudice because Plaintiff failed to attach the proposed amended complaint.

Local Rule 15.1 requires the proposed amendment to accompany the motion to amend. D.N.M.LR-Civ. 15.1. The Court previously instructed Plaintiff not to file amended pleadings without leave and also that proposed amendments should accompany motions to amend. [Doc. 24 at 1, 2 & n.2.] Plaintiff has complied with the directive to seek leave before filing amendments, but failed to comply with the directive to attach the proposed amended complaint to his motion.

Plaintiff may resubmit the motion, but if he does so, he shall attach the proposed amended. The Court further admonishes Plaintiff that amendments are not cumulative. If he is granted leave to amend in the future, the amended complaint will become the operative pleading and replace the previous pleadings in this case. In other words, any future amended complaint will supercede all previous original, amended, and supplemental complaints, rendering them without legal effect. *Mink v. Suthers*, 482 F.3d 1244, 1254 (10th Cir. 2007); *Miller v. Glanz*, 948 F.2d 1562, 1565 (10th Cir. 1991).

Plaintiff's Motion for Leave to File Amended Complaint [Doc. 84], filed June 10, 2011, is denied without prejudice.

IT IS SO ORDERED.



DON J. SVET
United States Magistrate Judge